

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. John Charles Mardis

Docket No. 4:08-CR-68-1D

Petition for Action on Supervised Release

COMES NOW Melissa K. Gonigam, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of John Charles Mardis, who, upon an earlier plea of guilty to Theft of Firearms from a Federal Firearms Licensee and Aiding and Abetting, in violation of 18 U.S.C. §§ 922(u), 924 and 2, and Possession of a Firearm in Furtherance of a Drug-Trafficking Crime, in violation of 18 U.S.C § 924(c)(1)(A), was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on April 22, 2009, to the custody of the Bureau of Prisons for a term of 126 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years. On January 27, 2011, pursuant to the granting of the government's Rule 35 Motion, the defendant's sentence was reduced to 100 months.

John Charles Mardis was released from custody on August 26, 2015, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 14, 2016, the undersigned officer received a phone call from an immigration attorney who was making contact on behalf of Ayda Elmagribi, the defendant's ex-girlfriend and a citizen of Dubai, United Arab Emirates, in order to report threatening behavior by the defendant. As a result of several conversations with Ms. Elmagribi, local law enforcement, and the defendant, it became apparent that Mardis was making unwelcome, threatening, and obscene contact with Ms. Elmagribi, her relatives and friends, via social media and telephone calls. Mardis did not cease this contact despite many requests to do so by the victim. Ms. Elmagribi has filed a police report with the Greenville Police Department and a detective is investigating to determine if they will pursue criminal charges. The geographic location of the victim in this case and her potential inability to be present for criminal proceedings may prevent charges from being brought against Mardis.

The undersigned officer reviewed screenshots of the conversations between Ms. Elmagribi and Mardis, and the following violation conduct was present: Mardis admitted to excessive use of alcohol, he shared a pornographic video of Ms. Elmagribi without her consent, threatened to have her followed, and sent numerous photos and messages after her repeated requests to stop. As a sanction for this conduct, abstinence from alcohol, service of 90 days home detention, and no contact with the victim in this matter is recommended.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.

2. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.
3. The defendant shall have no direct or indirect contact, at any time and for any reason, with the victim(s), the victim's family, or affected parties in this matter unless provided with specific, written authorization in advance by the U.S. Probation Officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Melissa K. Gonigam
Melissa K. Gonigam
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: (252) 830-2345
Executed On: November 15, 2016

ORDER OF THE COURT

Considered and ordered this 21 day of November, 2016, and ordered filed and made a part of the records in the above case.

James C. Dever III
James C. Dever III
Chief U.S. District Judge